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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-110

**MORRIS TOSHIO ANZAI**  
4291 A Ben Hur Road  
Mariposa, California 95338

**A C C U S A T I O N**

Registered Nurse License No. 429999

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board") Department of Consumer Affairs.

**Registered Nurse License**

2. On or about August 31, 1988, the Board issued Registered Nurse License Number 429999 to Morris Toshio Anzai ("Respondent"). The registered nurse license will expire on June 30, 2010, unless renewed.

**JURISDICTION**

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides, in pertinent part, that the  
9 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
10 action during the period within which the license may be renewed, restored, reissued or  
11 reinstated.

#### 12 **STATUTORY PROVISIONS**

13 6. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or licensed nurse  
15 or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct. . . .,

17 (1) Incompetence, or gross negligence in carrying out usual certified or  
licensed nursing functions.

#### 18 **REGULATORY PROVISION**

19 7. California Code of Regulations, title 16, section ("Regulation") 1442  
20 states:

21 As used in Section 2761 of the code, 'gross negligence' includes an  
22 extreme departure from the standard of care which, under similar circumstances,  
23 would have ordinarily been exercised by a competent registered nurse. Such an  
24 extreme departure means the repeated failure to provide nursing care as required  
or failure to provide care or to exercise ordinary precaution in a single situation  
which the nurse knew, or should have known, could have jeopardized the client's  
health or life.

#### 25 **COST RECOVERY**

26 8. Code section 125.3 provides, in pertinent part, that the Board may request  
27 the administrative law judge to direct a licensee found to have committed a violation or

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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 9. Respondent is subject to discipline under Code section 2761, subdivision  
6 (a)(1), on the grounds of unprofessional conduct, in that on or about May 30, 2004, while on duty  
7 as a registered nurse at John C. Fremont District Hospital, Mariposa, California, and caring for  
8 patient N.S., Respondent committed acts constituting gross negligence, as defined in California  
9 Code of Regulations, section 1442. After finding patient N.S. in a non-responsive state,  
10 Respondent failed to immediately initiate CPR and contact 911 emergency.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 10. Respondent is subject to discipline under Code section 2761, subdivision  
14 (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 9,  
15 above.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 429999, issued  
20 to Morris Toshino Anzai;

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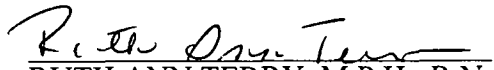
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1                   2.       Ordering Morris Toshino Anzai to pay the Board of Registered Nursing  
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
3 125.3; and,

4                   3.       Taking such other and further action as deemed necessary and proper.  
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6 DATED: 11/17/08  
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10 RUTH ANN TERRY, M.P.H., R.N.  
11 Executive Officer  
12 Board of Registered Nursing  
13 Department of Consumer Affairs  
14 State of California  
15 Complainant  
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